

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

SENTENCING HEARING
BEFORE THE HONORABLE DUDLEY H. BOWEN, JR.
UNITED STATES DISTRICT COURT JUDGE
FRIDAY, MARCH 4, 2022; 12:47 P.M.

FOR THE PLAINTIFF:

Jonathan Alan Porter, Esquire
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FOR THE DEFENDANT:

C. Brian Jarrard, Esquire
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1 (Call to Order at 12:47 p.m.)

2 THE CLERK: The court calls case 3:21CR13. United
3 States of America versus Vinath Oudomsine. Representing the
4 government, Jonathan Porter. For defendant, Brian Jarrard.
5 Here for sentencing.

6 MR. PORTER: Ready to proceed, Your Honor.

7 THE COURT: Mr. Oudomsine, on October 28, 2021, you
8 entered a guilty plea as to count one of the information
9 charging you with wire fraud in violation of federal law. Have
10 you had the opportunity to read and consider the Presentence
11 Investigation Report with your lawyer?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you or your lawyer have any objections
14 as to the factual statements of the report?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: In that there are no objections to the
17 factual statements and I have seen no concerns expressed about
18 the application of the advisory sentencing guidelines I will
19 adopt the factual statements as my own findings of fact. Here
20 the statutory penalty is a 20-year prison term; the total
21 offense level is 11; criminal history category is I (one)
22 Providing for 8 to 14 months imprisonment, one to three years
23 on supervised release, 4,000 to \$40,000 in fines, restitution
24 \$85,000, and a \$100 special assessment.

25 Is there any reason why we should not proceed into

1 sentencing at this time?

2 MR. JARRARD: No, Your Honor.

3 MR. PORTER: Not from the government, Your Honor.

4 THE COURT: I will make mention into the open record
5 in this case that Mr. Jarrard had made a statement there are
6 some restitution funds which are payable to the Clerk and those
7 will be presented according to his dictates.

8 Mr. Oudomsine, you have the right during this
9 proceeding to be heard in your own behalf. More importantly, I
10 will tell you I encourage you to speak in your own behalf.

11 Okay. Mr. Jarrard, I'll call on you.

12 MR. JARRARD: Thank you, Your Honor. My request is
13 that the Court sentence my client to time served by virtue of,
14 frankly, either a downward variance under 3553 or a downward
15 departure, Your Honor. I will first highlight certain
16 information in the Presentence Report.

17 As the Court knows Your Honor ordered my client into
18 custody at his change of plea. He plead to an information
19 pre-indictment and appeared voluntarily for his change of plea
20 and the Court ordered him into custody at that time. He has
21 been in custody as we stand before you 126 days. So, of
22 course, that's four months and a few days.

23 My client, Your Honor, is 32 years old. He's a
24 naturalized citizen of this country having immigrated with his
25 parents and his family, all of whom are with us today -- all of

1 his family, just raise your hands if you would -- you'll see
2 seated behind us, Your Honor. That includes all of his -- that
3 includes his parents and his siblings all who are listed in the
4 Presentence Report. My client has several degrees, his highest
5 degree, of course, being a bachelors's degree and as noted he
6 is a naturalized U.S. citizen.

7 Your Honor, with respect to -- of course, he came in
8 as early as the process would allow and plead, admitted his
9 responsibility for this fraud related to the Corona Virus
10 relief funds. He has now returned the Pokémon card that was
11 used with some of these funds and my office, through my
12 associate at the time, worked with Xavier Cunningham with the
13 U.S. Attorney's Office to, one, determine the maximum
14 restitution in light of the reality of the return and
15 forfeiture of the Pokémon card and so the amount I have present
16 today, though it's in two cashier's checks, is the total
17 restitution figured by Mr. Cunningham and my office.

18 Now we acknowledge, of course, that if the forfeiture
19 process means that the Pokémon card is not sold through the
20 governmental process for sufficient funds to cover the full
21 restitution, then there may be an additional restitution
22 obligation. Given the valuation of that card, we don't
23 anticipate that being the case. I tell you all that, Your
24 Honor, as that with respect to the funds, certainly, my client
25 and I had to wait on the order from the Court. We weren't

1 waiting on the Court. The Court was waiting on us to negotiate
2 with Mr. Cunningham, but we had to have that order in place
3 before the prejudgment restitution could be paid. We have
4 done -- or my client working in conjunction with his family has
5 done everything he could to make sure prior to today we have
6 addressed the return of the card and the full restitution
7 payment.

8 As you note, Your Honor, my client has zero criminal
9 history points. He's had no prior juvenile or criminal
10 problems whatsoever and no other noted criminal conduct. I
11 tell you all that, Your Honor, to say that I think this case
12 clearly falls within the United States Sentencing Guidelines
13 5K2.20 for aberrant behavior. I think it's entirely
14 appropriate for the Court to just treat it as a variance under
15 3553, but when the Court considers the United States Sentencing
16 Guideline and the Policy Statement contained in the aberrant
17 behavior guideline my client meets all of the criteria of
18 5K2.20. Particularly, Your Honor, this is, as in the language
19 of the guidelines, a clear departure from an otherwise
20 law-abiding life and it is an event without significant
21 planning of limited duration, and, again, it represents a
22 marked deviation by this defendant from his otherwise
23 law-abiding life.

24 Unlike most of the clients I have stood in front of
25 Your Honor with, my client is very fortunate to have a loving,

1 supportive extended family, all of whom, again, are here in
2 support of him today. He was raised in a two-parent home. He
3 is a high school graduate and, again, as I note a naturalized
4 United States citizen having been naturalized as a citizen in
5 2003 along with his family. As an indication of the stability
6 of his family life you will note on page 8 of the Presentence
7 Report he has a brother who is a medical component
8 manufacturer; he has a brother who is in polymer testing; and
9 he has two siblings who are college students; and, again, as
10 noted earlier my client is a high school graduate.

11 In fact, I note for Your Honor that this case is also
12 remarkable in my dealings because my client has a core group of
13 friends who have been with him since his days at Habersham High
14 School. Some of those friends and not to misspeak -- I don't
15 know which of these three friends I'll point out to you; maybe
16 all of them -- actually, I know Ms. Bohannon doesn't go all of
17 the way back to Habersham as they met in college and as I spoke
18 with Ms. Bohannon, essentially, a core group of students from
19 Habersham High School went off to college together. I think it
20 was Young Harris and that crew stayed together and Vin was a
21 portion or a member of that group.

22 We have with us today -- and I'd ask them just to
23 raise their hand -- Caitlyn Bohannon which is one of the friend
24 group, Your Honor. Ms. Bohannon has a career in marketing. We
25 have Michael Gale. Mr. Gale is in commercial real estate with

1 Wells Fargo and then finally we have Austin Schlieman. He is
2 in the wealth management field. As I noted earlier all of
3 Mr. Oudomsine's family members are seated either beside his
4 friends or in front of them.

5 The Presentence Report notes what his specific degrees
6 are and you also note, Your Honor, on page 9 that Vin was
7 enlisted -- it's paragraph 44, Your Honor -- he was enlisted in
8 the United States Army Reserve. We certainly anticipate -- I
9 don't know if -- I suspect that this conviction certainly means
10 he will not remain in the Reserves. I am not privy to know
11 whether that means he will be dishonorably discharged or how
12 that will work, but amongst all of the ramifications of being a
13 convicted felon he certainly has to yet answer to the United
14 States Army Reserves with respect to his status there, but I do
15 think it is somewhat indicative of the individual you have in
16 front of you that though he's now made a mistake that may
17 foreclose those options for him he immigrated to this country
18 with his family and thought it appropriate to join our armed
19 forces.

20 Your Honor, as I began I would ask that you either
21 treat it as a variance or that you depart downward under the
22 aberrant behavior guideline. I will note, Your Honor, that the
23 Application Notes to the guidelines say that in many cases
24 fraud cases are not treated under the aberrant guidelines, but
25 this fraud was not a complicated fraud and one that I

1 respectfully submit does not disqualify an aberrant behavior
2 downward departure.

3 Under 3553(a), Your Honor, I respectfully submit that
4 it would be sufficient, but not greater than necessary, to give
5 my client a time-served sentence. Your Honor, I have, as you
6 know, had some experience in this court and I don't presuppose
7 to know what the Court's justification or thinking is in any
8 given case -- that's not my province, but I do have an
9 appreciation for the fact that my client having been in the
10 Laurens County Jail for 126 days as opposed to a federal prison
11 camp in my opinion is more punitive. What I mean by that is
12 it's more punitive than being in a prison camp in the federal
13 system for 126 days.

14 So I would ask you to give him time served. I know
15 this is his Zone B guideline range. If the Court disagrees
16 with me on a pure time-served sentence, I would ask at least
17 for a split -- not a split sentence, but to allow any remaining
18 term to be served on home confinement if Your Honor is not
19 inclined to give him a straight time-served sentence. Thank
20 you, Your Honor.

21 THE COURT: Will I hear from your client?

22 MR. JARRARD: Yes, Your Honor. He intends to speak to
23 Your Honor.

24 THE DEFENDANT: Good afternoon, Your Honor. I want to
25 say that I want to apologize for -- I want to apologize to my

1 family and friends. They have been nothing but supportive and
2 helpful throughout this whole ordeal. I am so indebted to
3 them. They mean a lot to me. I love you guys. I really do.

4 I want to apologize for my actions. I understand that
5 what I done was wrong and I am going to have to live with that
6 mistake for the rest of my life. I need to use -- I need to
7 learn to use better judgment and make wiser decisions in the
8 future. In the long run prior to this event I kept my nose out
9 of trouble and this mistake that happened has been costly to
10 me. So I apologize for that. That's all I have to say, Your
11 Honor.

12 THE COURT: Mr. Jarrard, where are these checks that
13 you've been talking about and what's the total amount?

14 MR. JARRARD: Your Honor, I have both cashier's checks
15 made payable to U.S. District Court Clerk. They're payable
16 from South State Bank. One is in the amount of \$20,000 and one
17 is in the amount of \$4,745.90. Those together total the full
18 total listed in the Court's order regarding prejudgement
19 payment.

20 THE COURT: All right. You can present those to the
21 Clerk if you'd like.

22 MR. JARRARD: Thank you, Your Honor.

23 THE COURT: Mr. Porter, do you have any comments from
24 the United States?

25 MR. PORTER: Briefly, Your Honor. Your Honor, in the

1 face of a pandemic that was threatening the shutdown of our
2 nation's economy Mr. Oudomsine invented a fake entertainment
3 services business. He said that business had existed since
4 December of 2018, had \$235,000 in gross revenue the year prior
5 to the pandemic, and had ten employees. Your Honor, these were
6 lies. These were lies to defraud the program constructed by
7 Congress to provide disaster loans to real small businesses
8 during early days of Covid-19 pandemic.

9 While millions of real small business were finding
10 ways to keep their lights on, Vinath Oudomsine lied and then he
11 used the loans to buy, of all things, a Pokémon card. Your
12 Honor, that's why we're here: Blatant abuse of a government
13 relief program during a pandemic.

14 Now, Mr. Oudomsine had the good sense not to go as far
15 as some other Covid-19 fraudsters. He didn't invent half a
16 dozen fake businesses. He didn't invent fake tax documents
17 which a lot did. He didn't create fake bank records and he
18 didn't lie about it when the FBI approached him. To his credit
19 Mr. Oudomsine immediately took responsibility and was honest
20 with the FBI. That certainly doesn't excuse what he did, but
21 it is worth noting.

22 Your Honor, there are a lot of these cases. I have
23 been working these cases like crazy over the last year plus.
24 Just yesterday I proffered a target who had done over 200
25 fraudulent PPP loans for people. In the day before that I was

1 at an arraignment of an attorney -- an attorney who we indicted
2 for getting EIDLs for fake businesses and creating fake tax
3 documents to fool the SBA.

4 Your Honor, we're going to see a lot of these cases
5 coming up, and we're taking all of these seriously from the
6 attorneys who are doing this to the people who are doing
7 hundreds of these loans down to the people like Mr. Oudomsine
8 who committed fraud once. They're all fraud. They're all
9 abhorrent and we're going to commit resources to holding those
10 committing fraud accountable.

11 Your Honor, I would ask the Court to take those
12 factors into consideration when crafting Mr. Oudomsine's
13 sentence, but it should certainly be a sentence that makes
14 clear that you cannot defraud the government, especially not in
15 the midst of a pandemic. Thank you, Your Honor.

16 THE COURT: I am going to ask you, Mr. Porter, because
17 I am curious about it -- I know that the matter must proceed in
18 an orderly process; however, just as Mr. Oudomsine has been
19 incarcerated for 120 days, from what Mr. Jarrard tells me there
20 seems to be a level of complacency about this super valuable
21 Charizard Pokémon card. I haven't got Mr. Cunningham here to
22 talk to; so I am talking to you.

23 MR. PORTER: Yes, Your Honor.

24 THE COURT: We got a war going on. These are the sort
25 of the things that happened. The vagaries of the market place

1 become even more accentuated with the passage of time. I'm not
2 going to accept some enormous valuation of a piece of paper
3 that has some mysterious properties that make it so valuable.
4 I don't mind accepting restitution payments whenever I can get
5 them, but the restitution in this case until I hear different
6 is 85,000 from which \$24,745 may, upon negotiation of the
7 checks, be deducted. What's wrong with that?

8 MR. PORTER: Nothing, Your Honor, and I am happy to
9 relay to Mr. Cunningham how quickly the Court would like for
10 things to happen from here in terms of liquidating that card.

11 THE COURT: He could have had an order whenever he
12 wanted. I don't know when he got it. That's another thing. I
13 have never been supplied by anybody, especially the defendant,
14 a history of what happened to that card. All I got was some
15 bland statement it had been sent off to Atlanta to a family
16 member --

17 MR. PORTER: Your Honor, I ---

18 THE COURT: -- maybe one of the people here.

19 MR. PORTER: Your Honor, I am happy to proffer that or
20 I know Mr. Jarrard may know the history as well. I'm happy to
21 answer that question.

22 THE COURT: Well, I'd love to hear about it.

23 MR. PORTER: Yes, Your Honor. So as soon as Agent
24 Kirkland interviewed Mr. Oudomsine he told Agent Kirkland where
25 the card was, made ---

1 THE COURT: The agent told me specifically he said he
2 sent it off to a family member.

3 MR. PORTER: Yes, but we were aware that it was with a
4 family member and Mr. Oudomsine made arrangements to meet Agent
5 Kirkland to show him the card. That's about the time when
6 Mr. Dixon ---

7 THE COURT: Show him the card?

8 MR. PORTER: Yes, Your Honor.

9 THE COURT: All right.

10 MR. PORTER: Just to verify that it was still in
11 existence. Mr. Dixon then was retained and wanted to go
12 through I would say more formal court recognition of forfeiting
13 the card, but it was always our understanding that the card was
14 going to be forfeited. Mr. Oudomsine never backed away from
15 that. We just wanted the court to be involved in that process.

16 MR. JARRARD: Your Honor, if I could add to that, as
17 the Court knows Mr. Dixon was my client's first attorney and
18 then I came onto the case. I can't speak to what Mr. Dixon
19 did, but I can tell you that, yes, once I was retained the card
20 had not been surrendered and my office immediately began
21 working with Mr. Cunningham on the appropriate orders to allow
22 the acceptance for forfeiture of the card and it is my
23 understanding and what I was -- I had an associate with me at
24 the time, Your Honor, that was doing some of the logistics for
25 this, but that once I was his counsel as soon as that card

1 could be turned over it was turned over by virtue of a meeting
2 with Mr. Kirkland's colleagues in Atlanta with the family to
3 immediately turn over the Pokmon card.

4 We did it from my office's perspective, Your Honor, as
5 quickly as we could, and I will represent that my client as
6 soon as I met with him wanted that to be the case and there was
7 never any discussion about it. It was beyond debate, and now
8 the payments we have made as quickly as the process would allow
9 to, one, figure out -- let me comment on one thing you said,
10 Your Honor. Let me be crystal clear and my client understands
11 this because I have explained it to him: We're not saying that
12 what the court presently has satisfies the restitution
13 obligation until we all know that that card sells for
14 sufficient amounts to satisfy. We understand there is a
15 \$85,000 restitution obligation.

23 THE COURT: Well, Mr. Jarrard, Mr. Porter, I
24 appreciate y'all having such confidence in the ability of the
25 United States Attorney and the Marshals and the FBI to sell a

1 Pokmon card. That's a different approach. I see absolutely
2 nothing wrong with having seen the card for the FBI agent to
3 say "thank you" and take it and bring it to the U.S. Attorney.
4 I don't know why it had to be preceded by an order. In my
5 opinion it does not. I would favor expediency in a situation
6 like that, and I don't want to comment in any way by
7 implication or otherwise on Mr. Dixon, a former United States
8 Attorney and a very experienced lawyer, and I know that
9 Mr. Jarrard has no such intention, but my point will be that
10 there was no suggestion of an immediate transfer of that card
11 until after this man had been put in the Laurens County Jail.
12 That's a fact.

13 || All right. What else, Mr. Porter?

14 MR. PORTER: Nothing else, Your Honor.

15 THE COURT: Mr. Jarrard?

16 || MR. JARRARD: Nothing, Your Honor.

17 || THE COURT: Anything else you want to say,

18 || Mr. Oudomsine?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: I appreciate Mr. Jarrard bringing out
21 certain things. He brought out some things that are important
22 and has done that with a view towards encouraging the Court to
23 employ the aberrant behavior aspect that the defense, no doubt,
24 devoutly wishes.

25 I see another situation. I see a man who has

1 virtually complete family support. I see a man who has the
2 support of friends and colleagues of long duration. I see a
3 person who has been given a great deal of opportunity, who is a
4 very intelligent individual, who is an educated individual, and
5 whose family, according to the information I have about other
6 family members, appreciates education and the opportunities
7 that they have found in their adopted land.

8 I see a nation -- indeed, a world -- which is reeling
9 from the economic effects and expected economic effects of the
10 pandemic which I do not mean to overstate or over-rate, nor do
11 I wish to underestimate. This has been a trying time and we
12 are just now in February of 2022 emerging from the mantel that
13 has covered us since this time in 2020. In an effort to boost
14 or support the enviable American economy -- the lodestar of the
15 world, if you will -- a well-intended Congress, a well-intended
16 President risks inflation and other ills to gain an immediate
17 effect -- beneficial effect -- for the then somewhat-crippled
18 economy with the CARES Act.

19 You can't just say it in terms of billions. We've had
20 by a rough estimate account in stimulus funds and CARES Act and
21 other infusions into the economy we've run the national debt up
22 probably by \$6 trillion or more in all of this. And I have no
23 intention of being ironic or sarcastic. I can say, though,
24 without any hesitation that for his part in all of this
25 Mr. Oudomsine has expressed his gratitude for the efforts of

1 the Congress, the administration, the President, and the
2 taxpayers of this country with an \$85,000 insult, and that's
3 what it amounts to -- not just a flippant show of some obscene
4 gesture, but a carefully planned, carefully executed
5 application to a salutary program for the most venal objective:
6 To steal \$85,000 from the taxpayers of this country.

7 With every expectation after spilling the beans to the
8 FBI he was to walk in the courtroom, make an apology, and walk
9 out which, of course, did not happen, and now we are spinning
10 the wheels of the government which do not turn inexpensively --
11 in addition to having opened an FBI investigation here and a
12 federal prosecution, we've got Mr. Cunningham engaged in the
13 business of selling this -- I feel foolish every time I say it
14 -- Pok  mon card.

15 Now we've got a war going on in which happily we are
16 not yet engaged and the market may have changed.
17 Mr. Cunningham will find out. I don't know, but as far as I'm
18 concerned in all of this the insult continues, and whether or
19 not the \$85,000 is immediately repaid which is a matter of
20 great interest, obviously, to the presiding Judge, it is not a
21 merit badge if it is. It is still an expensive undertaking for
22 the government of the United States which does not operate on
23 air but on money just like everything else, and it's likely
24 that there will never be a full restitution of all of the money
25 that this costs. So there is no thank you note for

1 restitution. Restitution is the minimum that is expected.

2 While I will agree with the defense that Mr. Vinath
3 Oudomsine has not done anything like this in the past, when he
4 did it, he did it with the facility and with the ability and
5 with a level of venality that his age, his education, his
6 upbringing, and his life experience make it all the more
7 culpable.

8 I have determined that there is no reason why judgment
9 and sentence should not be imposed at this time in the case. I
10 have afforded the defendant and his counsel an opportunity to
11 be heard. I have reviewed and considered the Presentence
12 Investigation Report, including the advisory guideline range,
13 and I have stated my findings relative to the report, and now
14 pursuant to the provisions of the Sentencing Reform Act and the
15 applicable provisions of the sentencing guidelines which are
16 very helpful, but, more importantly, pursuant to the provisions
17 of Title 18, United States Code, Section 3553(a), particularly
18 those related to the fashioning or molding of a sentence which
19 is sufficient, but not greater than necessary, to meet the
20 crime this man committed and to demonstrate to the world the
21 likely result of the commission of the same or similar criminal
22 act -- that is, deterrence, which I deem to be the most
23 important factor in this case -- it is hereby ordered,
24 adjudged, and decreed that Vinath Oudomsine is committed to the
25 custody of the Bureau of Prisons for the purpose of

1 imprisonment for the term of 36 months.

2 This is above the guideline range. The guideline
3 range is calculated on the run-of-the-mind type of fraud --
4 perhaps an insurance scam, perhaps a banking scam -- but when
5 an individual sets out not by accident but by means of his
6 education, ability, and background to steal money from a
7 national benevolence, a program which was created with plenty
8 of loopholes, as it were, to make this money available and to
9 make it available quickly and to bring the deterioration of the
10 economy in check, when it is done in that manner with such a
11 blatant disregard for the people who needed these funds and for
12 the people who paid for this program, then the guidelines
13 should defer to practicality and that's what it needs to
14 demonstrate to the world that this is the consequence of such
15 activity. So for those reasons, I am departing, and those
16 will be transcribed and placed in the Judgment and Commitment
17 Order.

18 Upon release from imprisonment the defendant is placed
19 on supervised release for three years. While on supervised
20 release he is to comply with the standard conditions of
21 supervision adopted by this court and the mandatory conditions
22 required by federal law. Further, the defendant is to
23 cooperate in the collection of a DNA sample as directed. While
24 on supervised release the defendant is to comply with certain
25 special conditions imposed by the Court. These special

1 conditions are reasonably necessary to achieve the purposes of
2 sentencing. The following special conditions are imposed and I
3 will ask the probation officer to announce those, please.

4 PROBATION OFFICER RIGGS: Thank you, Your Honor.

5 The defendant must submit to substance abuse testing
6 to determine if he has used a prohibited substance. The
7 defendant must not attempt to obstruct or tamper with the
8 testing methods. The defendant must provide the probation
9 officer with access to any requested financial information and
10 authorize the release of any financial information. The
11 probation office may share such information with the U.S.
12 Attorney's Office. The defendant must not incur new credit
13 charges or open additional lines of credit without the approval
14 of the probation officer. The defendant shall not maintain
15 more than one financial institution account or be an assignor
16 on a financial institution account without the prior approval
17 of the probation officer.

18 The defendant must pay the financial penalty in
19 accordance with the schedule of payments attached to the
20 judgment. The defendant must also notify the court of any
21 changes in economic circumstances that might affect his ability
22 to pay any financial penalty.

23 The defendant must submit his person, property, house,
24 residence, office, vehicle, papers, computers, other
25 electronic-communications or data-storage devices or media to a

1 search conducted by a United States Probation Officer. Failure
2 to submit to a search may be grounds for revocation of release.
3 The defendant must warn any other occupants that the premises
4 may be subject to searches pursuant to the condition. The
5 probation officer may conduct a search under this condition
6 only when reasonable suspicion exists that the defendant has
7 violated a condition of supervision and that the areas to be
8 searched contain of this violation. Any search must be
9 conducted at a reasonable time and in a reasonable manner.

10 A curfew is imposed as a special condition of
11 supervised release and the defendant must comply with the
12 conditions of a curfew from 10 o'clock p.m. until 6 o'clock
13 a.m. for the period of supervision. During that time the
14 defendant will remain at his place of residence at all times
15 and shall not leave except when such leave is approved in
16 advance by the probation officer.

17 THE COURT: The probation office is directed to
18 provide to the defendant a written statement setting forth all
19 of the conditions to which the term of supervised release is
20 subject. Restitution is due in the amount of \$85,000 to the
21 U.S. Small Business Administration due and payable immediately
22 from which that restitution there may be deducted the sum of
23 \$24,745 when the checks tendered today to the Clerk of Court
24 are negotiated and paid. The restitution, as I said earlier,
25 is the minimum that is expected as a financial obligation in

1 this case.

2 Upon all of the factors here it is ordered that the
3 defendant is to pay a fine in the amount of \$10,000 due and
4 payable immediately. That fine is contemplated by the Court to
5 be some sort of reimbursement to the United States for the cost
6 of this prosecution and that's why it is imposed. It is
7 probably just a token, but that is what it is. Restitution is
8 an obligation that is the floor of the obligation here.
9 Special assessment due and payable immediately in the amount of
10 \$100.

11 This defendant is to forfeit his interest in any
12 property constituting or derived from the proceeds obtained as
13 a result of the offense of conviction including the 1999
14 Pokémon trading card which is of record in these proceedings.
15 The Court's Order of Forfeiture on January 7, 2022, is
16 incorporated into the judgment.

17 I am accepting the plea agreement for the usual
18 reasons. The defendant is remanded to the custody of the
19 United States Marshal and is notified of his right to appeal
20 from this sentence within -- is it 14 days? Is that the
21 correct time? -- from today.

22 Now that sentence has been imposed I will ask if other
23 than statements earlier made in the record are there any
24 objections to the Court's findings of fact, conclusions of law
25 or the manner in which the sentence was imposed?

1 MR. PORTER: None from the government, Your Honor.

2 MR. JARRARD: Your Honor, I need a moment to speak
3 with my client before I conclude.

4 THE COURT: Sure.

5 MR. JARRARD: Thank you, Your Honor. I do preserve my
6 client's right to appeal to argue that the Court's sentence is
7 greater than necessary under 18 U.S.C. § 3553 and otherwise not
8 consistent with the guidelines.

9 Your Honor, I know you took my client into custody at
10 his change of plea; however, I don't believe that the Court is
11 foreclosed from allowing him still to self-surrender to the
12 Federal Bureau of Prisons and I would ask that the Court
13 consider that in this case. The Court has imposed a lengthy
14 prison sentence and he needs some time to get his affairs in
15 order before serving this lengthy sentence. So I would ask
16 that he be allowed to self-surrender.

17 THE COURT: Any comment from the United States?

18 MR. PORTER: No, Your Honor.

19 THE COURT: That motion is denied. The -- I already
20 notified him of his right to appeal. I agree with you -- the
21 right to appeal has been reinstated.

22 Counsel, thank you for your patience today. That
23 concludes the matter.

24 (End of Transcript of Record.)

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1 CERTIFICATE OF REPORTER
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45 I, Lisa H. Davenport, Federal Official Reporter, in and
6 for the United States District Court for the Southern District
7 of Georgia, do hereby certify that pursuant to Section 753,
8 Title 28, United States Code that the foregoing is a true and
9 correct transcript of the stenographically-reported proceedings
10 held and that the transcript page format is in conformance with
11 the regulations of the Judicial Conference of the United
12 States.13
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15 Lisa H Davenport, RPR, FCRR
16 Federal Official Reporter
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